

**DECLARATION AND POWER OF ATTORNEY**  
**(Case No. 94,784-A)**

As below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NOVEL BACTERIAL HEMOGLOBIN RECEPTOR GENES AND USES**

which specification was filed on October 2, 1995 and given Serial No. 08/537,361

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

We further acknowledge the duty to disclose such material information which occurred between the filing date of the prior application, U.S. Serial No. 08/326,670, filed October 18, 1994 and the filing of this continuation-in-part application.

The undersigned hereby appoint the following:

George B. Newitt	Reg. No. 16550	Robert H. Resis	Reg. No. 32168
D. Dennis Allegretti	Reg. No. 17374	Grantland G. Drutchas	Reg. No. 32565
Sheldon W. Witcoff	Reg. No. 17399	James C. Gumina	Reg. No. 32898
Seymour Rothstein	Reg. No. 19369	Christopher J. Renk	Reg. No. 33761
James V. Callahan	Reg. No. 20095	David M. Frischkorn	Reg. No. 32833
Jon O. Nelson	Reg. No. 24566	Marc S. Cooperman	Reg. No. 34143
Charles F. Pigott	Reg. No. 19408	Kyle K. Kappes	Reg. No. 34846
Charles G. Call	Reg. No. 20406	Leon R. Yankwich	Reg. No. 30237
Ronald E. Larson	Reg. No. 24478	Barbara A. Heaphy	Reg. No. 34619
Edward W. Remus	Reg. No. 25703	John P. Iwanicki	Reg. No. 34628
Denis A. Berntsen	Reg. No. 26707	A. Blair Hughes	Reg. No. 32901
John J. McDonnell	Reg. No. 26949	Lawrence H. Aaronson	Reg. No. 35818
Charles W. Shifley	Reg. No. 28042	Thomas A. Fairhall	Reg. No. 34591
Daniel A. Boehnen	Reg. No. 28399	Kenneth J. Rudofski	Reg. No. 35997
Jamie S. Smith	Reg. No. 27390	Steven J. Sarussi	Reg. No. 32784
Mark T. Banner	Reg. No. 29888	Sanjay Prasad	Reg. No. 36247
Bradley J. Hulbert	Reg. No. 30130	Michael S. Greenfield	Reg. No. 37142
Paul H. Berghoff	Reg. No. 30243	Thomas K. Pratt	Reg. No. 37210
Peter D. McDermott	Reg. No. 29411	J. Pieter van Es	Reg. No. 37746
Michael H. Shanahan	Reg. No. 24438	Kevin E. Noonan	Reg. No. 35303
Dale A. Malone	Reg. No. 32155	Laura DeMoor	Reg. No. P39654

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as our Attorneys and

Mark Chao

Reg. No. 37293

Emily Miao

Reg. No. 35285

as our Registered Patent Agents

the mailing address and telephone number of each of whom is BANNER & ALLEGRETTI, LTD., Ten South Wacker Drive, Chicago, Illinois 60606, and (312) 715-1000, with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Igor Stojiljkovic

Inventor's signature

Date:

Residence: 3223 S.W. 11th Avenue, #3, Portland, Oregon 97201

Citizenship: Croatia

Post Office Address: 3223 S.W. 11th Avenue, #3, Portland, Oregon 97201

\*\*\*\*

Full name of second joint inventor: Magdalene So

Inventor's signature

Date:

Residence: 777 S.W. 48th Drive, Portland, Oregon 97221

Citizenship: United States

Post Office Address: 777 S.W. 48th Drive, Portland, Oregon 97221

Full name of third joint inventor: Vivian Hwa

Inventor's signature



Date:

10.19.95

Residence: 7011 S.W. 4th Avenue, Portland, Oregon 97219

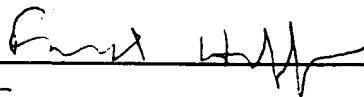
Citizenship: Australia

Post Office Address: 7011 S.W. 4th Avenue, Portland, Oregon 97219

\*\*\*\*

Full name of fourth joint inventor: Fred Heffron

Inventor's signature



Date:

Oct 17, 1995

Residence: 17887 Hillside Drive, West Linn, Oregon 97068

Citizenship: United States

Post Office Address: 17887 Hillside Drive, West Linn, Oregon 97068

\*\*\*\*

Full name of fifth joint inventor: Xavier Nassif

Inventor's signature

Date:

Residence: 36 Rue Miollis, Paris, FRANCE 75015

Citizenship: France

Post Office Address: 36 Rue Miollis, Paris, FRANCE 75015

Full name of third joint inventor: Vivian Hwa

Inventor's signature \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 7011 S.W. 4th Avenue, Portland, Oregon 97219

Citizenship: Australia

Post Office Address: 7011 S.W. 4th Avenue, Portland, Oregon 97219

\*\*\*\*

Full name of fourth joint inventor: Fred Heffron

Inventor's signature \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 17887 Hillside Drive, West Linn, Oregon 97068

Citizenship: United States

Post Office Address: 17887 Hillside Drive, West Linn, Oregon 97068

\*\*\*\*

Full name of fifth joint inventor: Xavier Nassif

Inventor's signature Nassif

Date: January 9<sup>th</sup>, 1996

Residence: 36 Rue Miollis, Paris, FRANCE 75015

Citizenship: France

Post Office Address: 36 Rue Miollis, Paris, FRANCE 75015

09665358-091900

## ASSIGNMENT

Case No.: **94,784-A**

Serial No.: 08/537,361

Inventors: I. Stojiljkovic, M. So, V. Hwa, F. Heffron, and X. Nassif

Date of Execution

Filing Date: October 2, 1995

of Application: October 17, 1995 and January 9, 1996

In consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign to:

**Oregon Health Sciences University, a not-for-profit corporation incorporated under the law of the State of Oregon**

its successors and assign, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, entitled:

**Novel Bacterial Hemoglobin Receptor Genes and Uses**

and identified as:

**Case No. 94,784-A**

in the offices of Banner & Allegretti, Ltd. and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension of such patents, and further assign to said assignee the priority right provided by the International Convention.

The undersigned hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

The undersigned hereby authorize and request the attorneys of record in said application to insert in this assignment the filing date and serial number of said application when officially known.

The undersigned warrant themselves to be the owners of the entire right, title interest in said invention or improvements and to have the right to make this assignment, and further warrant that there are no outstanding prior assignments, licenses, or other encumbrances on the interest herein assigned.

For said considerations the undersigned hereby agree, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional, continuation and substitute applications for said invention or improvements, and any necessary

oath, affidavit or declaration relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application and any and all applications and other documents for Letters Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns may deem necessary or expedient, and for the said considerations the undersigned authorize said assignee to apply for patents for said invention or improvements in its own name in such countries where such procedure is proper and further agree, upon the request of said assignees, its successors and assigns, to cooperate to the best of the ability of the undersigned with said assignee, its successors and assigns, in any proceedings or transactions involving such applications or patents, including the preparation and execution of preliminary statements, giving and producing evidence, and performing any and all other acts necessary to obtain, maintain and enforce said Letters Patent, both United States and foreign, and vest all rights therein hereby conveyed in the assignees, its successors and assigns, whereby said Letters Patent will be held and enjoyed by the said assignees, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

WITNESS my hand and seal this 17<sup>th</sup> day of October, 1995.

Igor Stojilkovic  
Igor Stojilkovic

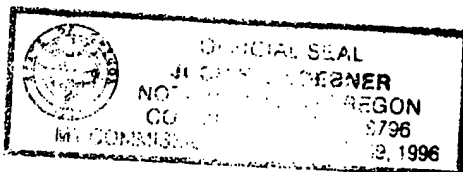
State of Oregon

County of Multnomah

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of

October, 1995 by Igor Stojilkovic

Notary Public  
NOTARY PUBLIC



WITNESS my hand and seal this 17<sup>th</sup> day of October, 1995.

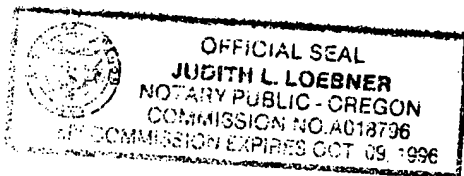
Magdalene So  
Magdalene So

State of Oregon

County of Multnomah

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of  
October, 1995 by Magdalene So.

Judith L. Loebner  
NOTARY PUBLIC



\* \* \*

WITNESS my hand and seal this 24 day of October, 1995.

*Vivian Hwa*  
Vivian Hwa

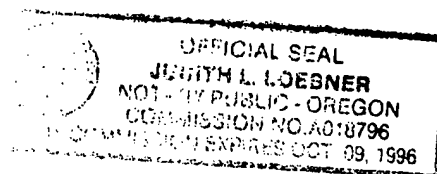
State of *Oregon*

County of *Multnomah*

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of  
October, 1995 by *Vivian Hwa*

*Judith L. Loebner*  
NOTARY PUBLIC

\* \* \*





WITNESS my hand and seal this 17<sup>th</sup> day of October, 1995.

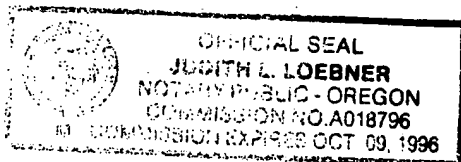
Fred Heffron  
Fred Heffron

State of Oregon

County of Multnomah

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of  
October, 1995 by Fred Heffron

Judith L. Loebner  
NOTARY PUBLIC



\* \* \*

WITNESS my hand and seal this 9 day of January, 1996.

Xavier Nassif

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or

Patentee: I. Stojiljkovic, M. So, V. Hwa, F. Heffron and X. Nassif

Serial or

Patent No. 08/537,361

Filed or

Issued: October 2, 1995

For: Novel Bacterial Hemoglobin Receptor Genes and Uses

(Attorney's Docket No. 94,784-A)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. § 1.9(f) and § 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Oregon Health Sciences University,  
a not-for-profit corporation incorporated under the law of the State of Oregon

ADDRESS OF ORGANIZATION 3181 S.W. Sam Jackson Park Road

Portland, Oregon 97201-3098

TYPE OF ORGANIZATION:

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled \_\_\_\_\_

Novel Bacterial Hemoglobin Receptor Genes and Uses

by inventor(s) I. Stojiljkovic, M. So, V. Hwa, F. Heffron and X. Nassif

described in

☐ the specification filed herewith  
☒ Application Serial No. 08/537,361, filed October 2, 1995  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

Sandra Shotwell, Ph.D.

NAME OF PERSON SIGNING

Director, Office of Technology Management

TITLE IN ORGANIZATION

3181 S.W. Sam Jackson Park Road, Portland, Oregon 97201-3098

ADDRESS OF PERSON SIGNING

Sandra L Shotwell

Signature

10/17/95

Date